



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5000-110
Ser BPMOW/086
April 6, 2022

Mr. Jeff Ruch
Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

Dear Mr. Ruch:

This correspondence is in regard to your Freedom of Information Act (FOIA) request dated December 7, 2018 in which you seek six separately enumerated categories of records related to the Hunters Point Naval Shipyard ("HPNS") located in San Francisco, California.

Your request was received in this office on May 3, 2021 and assigned file number DON-NAVY-2019-001864. Please cite this number in any future communications with our office regarding this request. Your requests seeks the following:

- A. From January 1, 2005 to the present, all documents that:
 1. Identify the source(s) of fill or other soil that has been used or may be used in the future for soil covers or caps at Hunters Point Shipyard (i.e., soil covers or caps used as a potential remedy for remediation of contamination);
 2. Any measurements made to determine that radionuclide and/or toxic chemical concentrations are acceptable for such use described above;
 3. Specify where soil used for soil covers or caps at Hunters Point can come from (e.g., can "clean" soil from parts of HPS be used) and what standards and tests are used to determine it is "clean";
 4. Reference any occurrence or proposal whereby soil from within HPS that is declared clean is to be or can be used as "backfill", "fill" or "cover"; and
 5. Reference any activities whereby soil was taken from Parcel A or other areas on HPS deemed to be "non-impacted" to be repurposed in any fashion.
- B. All documents from January 1, 2003 to December 31, 2008 that reference any role that Tetra Tech EC played in the preparation of the Final Basewide Radiological Removal Action, Action Memorandum - Revision 2006, Hunters Point Shipyard, San Francisco, CA, April 21, 2006.

A letter dated May 26, 2021 provided a final determination on your FOIA request. A search for responsive records has been completed and approximately 3,455 potentially responsive records have been located. This letter provides the ninth of multiple phases of release.

Additional records will be released to you in phases as documents are determined to be responsive to your request. The nature of this particular FOIA request requires a multi-step search and review process for a reasonable search of records. For requests with broad scopes, like this one, we first search document repositories using keywords. The results of this search yields “potentially responsive documents.” Some or many of these initial results are found to be not responsive during the subsequent “review” step. Accordingly, broad requests like this can yield a large difference between “potentially responsive records” and “responsive records” which can also lead to longer release timeframes.

Today’s interim release addresses 417 potentially responsive records. Of the potentially responsive records addressed in this interim release,

- 3 records are were duplicates;
- 344 records were deemed not responsive to the request;
- 60 records are withheld in full under FOIA Exemption 5;
- The 10 remaining records are released to you in full.

FOIA Exemption 5 [5 U.S.C. § 552 (b)(5)] exempts from disclosure records that reflect the Navy’s internal deliberations, the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process.

Your FOIA request also included a request that all fees be waived. We have evaluated the fee waiver request and have determined that this request is eligible for a waiver.

You have the right to an appeal. It must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the following in your appeal:

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request;
- a copy of the letter of denial.

There are two ways to file an appeal—through FOIAonline or by mail.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline.gov, click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will be able to file an appeal on FOIAonline for any request you file on FOIAonline thereafter. To do so,

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locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.

2. By mail. Address your appeal to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Whichever method is used to file your appeal, please also provide a copy to us at meredith.l.richards2.civ@us.navy.mil, or:

NAVFAC BRAC PMO West
33000 Nixie Way
Bldg 50 Suite 207
Attn: Meredith Richards
San Diego, CA 92147

Please note that as a result of increases in the Health Protection Condition (HPCON) level, the BRAC PMO offices are maximizing the use of telework for personnel. You are strongly encouraged to submit a copy of your appeal to BRAC PMO via email to ensure we receive timely notification that you have filed an appeal in accordance with the instructions above.

Please direct any questions concerning this matter to Ms. Meredith Richards, who may be contacted at meredith.l.richards2.civ@us.navy.mil or (619) 524-1637. You may also contact the DON FOIA Public Liaison, Christopher Julka, at christopher.a.julka@navy.mil, (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/contact>.

Sincerely,

KIMBERLY A. OSTROWSKI
Director